

190 THE  
CASE

Lieut. *John Kynaston,* K

LATE OF

Col. NEWTON's Regiment of  
DRAGOONS.

As far as it concerns the Board of  
GENERAL OFFICERS; before  
whom he appear'd at the Horse-Guard, in  
Relation to certain Informations given  
by him, in Defence of the Present Happy  
Establishment in CHURCH and STATE,  
against the Pretender and his Adherents.

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—Nec si miserum Fortuna Sinonem  
Finxit, vanum etiam mendacemq; improba finget  
[ *Virg. Æn. 2.* ]

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L O N D O N:

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W. Musgrave.





TO HIS GRACE  
JOHN,  
Duke of Marlborough,

*Prince of the Sacred Roman Empire;  
Captain-General, and Commander  
in Chief of all His Majesty's Forces;  
One of His Majesty's Privy Council;  
and Knight-Companion of the most  
Noble Order of the Garter.*

*May it Please Your GRACE,*



*S the High Station, where-  
in You are deservedly  
plac'd, makes You the last  
Resort; to which, those  
unfortunate Gentlemen in the Army,  
A 2 that*



that are deny'd Justice from other Hands, can make Application for Redress ; so I could not omit interrupting Your Grace after this Manner, in Inscribing my unprecedented Case to you.

Your Grace has been pleas'd, when in Manuscript, to peruse it with uncommon Condescension, peculiar to the Greatest, and most Approachable General in the World ; and when I waited on you at St. James's, and the Lodge in Windsor-Park, to tell me, *That my Case was hard*, and to command me *to justify my self*.

I have therefore, with Submission to your Grace, taken this Way of doing it, in Order to convince the World, that after what Manner so ever



*The Dedication.*

viii

ever I have been misrepresented. I never deserved the Treatment I have met with, in being depriv'd of a Commission, which I neither forfeited for Want of Zeal to His Majesty's Service, nor Truth, Honesty, or Justice.

What my Regard for the Rights and Dignity of my KING, and the Preservation of the Liberties of my Country, have justly induced me to alledge against my Brother Officers, has been so undeniably true, that your Grace will Pardon me if I trespass upon your Patience in acquainting you, that when, in my late Illness, (during which, my Enemies took Advantage of it to dispossess me of my Commission) the Doctor that attended me, gave Assurances that my Life was in great Danger. I  
conjured

conjured him, as he had known me in the Service abroad, that if I should happen to die, he would bear Witness that I then declar'd what I had accused the Gentlemen of, was, to a Tittle, Matter of Fact, and no ways intended to Prejudice thro' Malice, or any other unjustifiable Motive.

THIS, *May it Please your GRACE*, is what the said Doctor is ready to Attest; and this being spoken by a Man, who had all the Reason in the World to think himself in a dying Condition, and who could not be supposed to prevaricate at that Juncture, will, it's humbly presum'd, obtain *Credit* with your Grace, and those other Gentlemen of the Army, &c. who shall give themselves the Trouble of reading my impartial and unartful Narrative, which cannot but have some Attention paid to it, through

*The Dedication.*

V

through the Means of your Grace's  
Illustrious NAME that must be  
its Protection, how little soever it  
may deserve from the Inscribing that  
of,

*May it please Your Grace,*

*Your Grace's most Faithful,*

*most Obedient, and*

*most Oblig'd Servant,*

**John Kynaston.**



The Dedication.

through the Means of your Grace's  
Illustrations N A M E that must be  
its Protection, little leaver it  
may derive from the Inscribing that



May it please Your Grace,

Your Grace's most faithful,

most Obedient, and

most Oblig'd Servant,

John Kynaston.

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T H E  
C A S E  
O F

*Lieut. John Kynaston, &c.*



THE Man, that, by an unworthy Procedure, deserves Reproach, is by some Means inured to bear it, even from the Repetition of those scandalous Acts that have drawn it upon him : But Nothing can be more irksome, and grievous to a generous Mind than unmerited Infamy. The very Thoughts of it startle and fire him into Surprize and Resentment ; especially when those Actions, from which he has all the Reason of the World, to expect Praise and Encouragement, meet with no other Reward than Contempt and Obloquie. These are the Hardships I at present labour under ; and these are the Calamities

Calamities I am involved in, through the Means of an undisguis'd Fidelity and Zeal for the Honour and Advantage of my Prince and Country.

'Tis held confess'd, that the Character of an *Informers* is generally and justly Odious; tho' it is likewise to be granted that he that gives Notice of Impending Dangers, and by those Means puts it into our Power to avoid them, looks with a quite different Aspect. What Anxiety of Soul then must I suffer, what Uneasiness of Temper struggle and contend with, who am blasted in my Reputation, and branded with the Name of an *Informers*, for my faithful Endeavour Conscientiously and Honourably to discharge my Duty to my King and Country, as a Christian, as a Subject, as Gentleman and a Soldier? Every one of these Appellations has its respective Ties that bind me to the Performance of the several Duties that flow from them, the First Oblige's me to do what I am under Disgrace for doing, by the Laws of God; the Second by the Laws of Man, and the Two last by those of Honour and Honesty. But if for the Performance of these indispensable Duties, I am to be shun'd by the Herd of my Brother Officers, and push'd out from having any Society or Commerce with them like a Blown Deer; If I am to be hunted down by a Parcel of deep mouth'd yelpers upon no other Account than the abovemention'd, where must the Wounds that are aim'd at my devoted Head be inflicted, and rest, at last, but on those very Persons who  
have



have given this Occasion for my Enemies to revile me?

A fair Reputation is the most valuable Jewel a Man can be possess'd of, and is more especially the very Life of a Soldier: With the Utmost Anguish of Heart, I then ask whither I should have any Right to lay claim to that Glorious and Renown'd Character, should I timely sit still and hear my good Name traduced and made little of, my Actions scan'd and vilified, and my best Intentions render'd Criminal, without having Reccourse to proper Means for my Vindication?

Far be it from me to shew such a Pusillanimity and Meanness of Spirit, which more justly belongs to my Enemies and Accusers. I shall therefore endeavour to wipe of the Aspersions they have cast on Me, without Affected Periods or labour'd Expressions, in such a plain and easie Method as shall make appear that my Reliance is altogether on the Truth of my Assertions, not on the Pomp and Gaudy Shew of Words, as it was possible to have Cloath'd them with.

To this End, the Reader is to Understand the whole Detail of all my Actions, that relate to the Publick, since I enter'd into the Service, to my Dismission from it, in Manner and Form following, whereby Malice it self is left to Judge, whether I have done any Thing Unworthy of a SOLDIER, or a Gentleman.

**I**N the Year 1704-5, and in the Eighteenth of my Age, I came to London from the Country; and finding there were new Levies

to

to be Raised, I apply'd my self to my Friends in Order to get a Commission, I was recommended by two Members of Parliament to *James Cragg's Esq;* and he was pleas'd to use his Interest with his Grace the Duke of *Marlborough*, and got me Colours in the Regiment of Foot, then Raised by the Honourable Colonel *Nicholas Leppell*, which was in 1705. I was ordered down a Recruiting into *Wales*, where I made a very good Recruit; and my Colonel finding I had a good Interest in the Country, kept me there for most part of the time the Regiment lay in *Ireland*. I raised for this Regiment, first and last, Upwards of a Hundred and Twenty Men; a Hundred of which were of my own Country, *Welsh Men*, and for my good Services my Colonel was pleas'd to make me a Lieutenant and Posted me to the *Granadiers*, where I always behaved my self as a Gentleman ought to do in my Post, and was Carress'd by all my Superior Officers, &c. the Regiment was Ordered for *Spain*, and Landed in *Catalonia* in *October* 1709. and in *May* following March'd in Order to take the *Field*. I continued with the Regiment till the Battle of *Almanza*. For a few days before I Receiv'd a Shot through my Thigh at *Poyalla*; which Detained me some Weeks from the Regiment; but got up to them before the Battle of *Saragosa*, and Engaged with them in the Action, as afterwards at the Battle of *Valariviosa*, where I receiv'd Ten Wounds was strip'd naked, and all my Baggage raken, and Continued Prisoner of two Years. When I return'd

return'd from *Spain* to *England*, I found several Officers had Obtained *Smart Money*, particularly an Ensign of our own Regiment who was Wounded in *Catalonia* since the Battle of *Villavitirosa*. I thought therefore I had as good a Pretention as some that had obtain'd it: Upon which I drew a Certificate setting forth my Sufferings, which was Sign'd by my Collonel the Honourable *William Stanhope*, Lieutenant Colonel *Duncombe*, and Major *Pack* my Field Officers; which Certificate I deliver'd to Mr. *Gwyn* then Secretary at War, who promised me from time to time *Smart Money*. But the Queen died, and I never Received any as other Officers did in the like Case.

During my stay here in Town, I kept great Variety of Company, without any distinction between Party and Party, and very often found some People in Conversation to shew a great dislike to his Majesty, and his Government. The disaffected Gentlemen of private Families did not so much alarm me, as to find several Gentlemen of the Army who were in full, and in half Pay, shew their dislike by Drinking of several Disloyal Healths, besides a great deal of Indecent Liberty in their Conversation. Those things I Confess gave me great uneasiness, and put me upon several Thoughts, which way I could best Serve his Majesty by a Discovery of this Affair. Several Methods I propos'd to myself, but could not come to any fix'd Resolution; for I must freely own the odious Character of an *Informers* was what very much Shock'd me.



At that Time, I lodg'd in *Fountain-Court* in the *Strand*; where Two Captains, *Levings* and *Spencer*, lodg'd at the same Time. In the Evening we often met, and had several Discourses upon the Disaffection of some unreasonable People, who were often shewing their Dislike to the Best of KINGS and Governments; and then I us'd to repeat to them, with much Concern, that out of the Multiplicity of Company I kept, I found too many that had come into those Hellish Notions: And what was still most surprizing, was, That the Contagion had crept even amongst the Officers of the Army; and then I repeated some particular Passages and Names. My Two Friends were not so much surprized at the Persons, as at their Inadvertency, they being notoriously known for their Principles of *Jacobitism*. This, as frequently as Opportunity offer'd, was the Subject Matter we discoursed on, at which time they both pressed me to make a Discovery of the Persons by an Information. I readily told them, That my Inclination was as strongly bent to serve his Majesty and Government, as any Subject he had: But, as I hinted before, the detestable Character of an *Informers* stuck hard upon me; but however, thus much they might depend on, that I wou'd take all imaginable Care to prevent their being mischeivous to the Government. These, our Conferences, held from Time to Time, till His Majesty was pleas'd to acquaint His People from the Throne, That His Kingdoms were threatned by an In-

vation

vasion from abroad, and by a *Popish Pretender*; at which, I freely confess, I was highly allarm'd, and could not but think, as my Friends did, that Conscience and Duty strictly oblig'd me to an immediate Discovery, in order to prevent, as far as in me lay, the Intrusting of any Command in such Hands, whose Hearts were directly opposite to the Good of that Cause, for which, every true *Protestant*, and honest *Briton*, ought freely to venture their Lives. Upon which, we came to this Conclusion, That a Letter should be written to the Honourable Mr *Pultney*, Secretary at War, signifying the Names of those Gentlemen that had given me such notorious and manifest Instances of their Disaffection. Accordingly Capt. *Levings* wrote a Letter to that Purpose, which I transcribed, and signed *Philo-Britannus*. I immediately got it convey'd to the Secretary of War, with whom it lay dormant, till such time as I had an Opportunity of seeing him, which was not till after I was provided for. In the Interim, my Two Friends frequently communicated the Matter to such of their Acquaintance, as were well affected to the Government; by which means, I suppose it came to the Knowledge of Mr. Secretary, that I was the Person who had sent the Letter to him, signed as before-mentioned.

To confirm This, the above-mentioned Two Gentlemen sent the following Certificate; whereof this is a true Copy, in my Behalf to

the Board of General Officers, when I came to be heard.

*WE think our selves oblig'd, in Justice to Mr. Ky-nafton, to certifie both the Reasons which he told us, for the Information he has now given; and likewise, for his not Proceeding earlier in this Discovery, which he assigned in the following Manner.*

*His Declaring the Aversion he always had to the odious Name of an Informer, made him decline so long an Affidavit, so prejudicial to his Brother Officers: Notwithstanding which, he thought himself oblig'd, upon hearing that His Majesty had express'd his just Apprehension of an Invasion from the Pretender, to discover all such Persons as he knew to be highly disaffected to the Present Government: This we aver to be a true Declaration of his to us, Word for Word, as witness our Hands, this 11th Day of September, 1715.*

R. LEVINGS.

HEN. SPENCER.

Some time after, there were Commissions order'd out for the New Levies, and I had the Honour to be Recommended to his Grace the Duke of Marlborough, by the Right Honourable the Earls of Bradford and Cholmondly. One day as I was standing amongst several other Officers before the War Office, Mr. Secretary coming out of the Office to his Chariot, beckn'd Me to



to him ; and asked me if I was not the Gentleman ; that was Recommended as above ? I answer'd in the Affirmative ; Then he told me I was provided for, and further asked me, if I were not the Person that sent the Letter to him relating to the Officers, who were Accused ? I replied I was the same. Then asking me, whether I wou'd make Oath of it ? I said that I could very safely ; for I had Inserted nothing but the Truth He then bid me make an Affidavit ; and Lodge it with him. This I did accordingly, which was all that passed between us at that time.

Some time afterwards, I was Order'd down to *Worcester*, that City being the place of Rendezvous, and accordingly proceeded on my Journey in Company with my Major, and his Brother, (an Officer of the same Regiment) about the Midway of our Journey, there some Matters Occurr'd which gave me a handle for Speculation, I informed my self the best I could, and acquainted the Gentlemen abovenamed with my Observations, and we Jointly agreed that it was highly necessary the Government should be Apprized of them by way of Prevention ; I having some small Knowledge of Mr. Secretary *Pultney*, 'twas thought proper to signify it to him by Letter, which accordingly I did, and for which I had by a Letter the Honour of his Thanks, the substance of which observations has apparently broke out into down right Fact.

Upon my Arrival at *Worcester*, I was Order'd to *Birmingham* with the Arms of the Regiment, to have

have them fix'd with Bayonets : At which place I received a Letter from the Honourable Mr. Secretary *Pultney*, to make the best of my way for *London*, which I did speedily ; this Journey, and my long Attendance here in Town, became very Expensive to me as soon as I arriv'd I waited upon Mr. Secretary Pursuant to his Letter, who told me there was a Board of General Officers appointed to hear what should be alledged against the Gentlemen accused ; Being unacquainted with our Constitution I readily acquiesc'd as not doubting but that the Military Power had Authority to summon any Person under the Civil, to appear at their Board, and there, to be obliged to Answer upon Oath as in other Courts; but to my great Misfortune I soon found my Mistake, for on the contrary two Persons who were brought by Mr. *H*— (now Ensign in the Guards) whom I had accused for drinking the Pretenders Health, &c. were brought to accuse me upon Oath of being Guilty of the same ; I having some Knowledge of those Gentlemen, informed the Honourable Board how notorious those Persons were for their Jacobitical Principles, whose Names I think my self obliged to mention, viz. Mr. *J*— *C*— Linnen Draper in *Cornhill*, and Mr. *T*— *H*—ns Peruke Maker in *Bishops Gate Street*. The day after the last hearing, where those Gentlemen appeared against me, I met with two Gentlemen, one a Captain in the Army, and the other a private Gentleman, the former told me he was very much surprized at the Impudence or rather

rather Ignorance of C——, in appearing against me, being a Person that so notoriously distinguished himself to be intirely in the Pretender's Interest, or, to make use of the Gentleman's own Words in Expressing his Resentment, he told me, ' He never was but in one Man's Company that durst have the Impudence to ' Drink the Pretender's Health when he was by, ' and that was the formentioned C—— the Linen-Draper". The other Gentleman told me, he wonder'd what the Man meant, by appearing at that honourable Board, who, to his Knowledge, did not come thither out of any Regard to the Service of His Majesty; but on the contrary, to accuse me, in order to screen his *Jacobite* Friends from what I justly alledged against 'em: As for Mr. H——, I shall refer his Character to the Censure of those Gentlemen who were acquainted with him in the late Reign of King *William* of Ever Glorious Memory: There were Four other Gentlemen that appear'd there, namely, Mr. B——, Mr. G——re, and Mr. Cb——l, Lawyers; and the Fourth, Dr. G——, Jun. a Physician: The Three first said very little to the Purpose, indeed, Nothing that was material: As to their Characters I shall say nothing of them, they being Gentlemen better known for their Principles than their Practice; the Latter I asked, If at such a time he was not in Company when Ensign H——y drank the Pretender's Health? He paused a little, and then reply'd, It being some time since that we were in Company together, he could not charge his



his Memory with any such Thing, or Words to that Effect : The Doctor being a Gentleman subject to keep a great deal of Company, such Accidents often happening amongst those he is pretty much conversant with, he might not take so much Notice of it, as if the Thing had been new to him, and being a good Natur'd Man, it might the easier slip his Memory ; it is remarkable, that Gentlemen of those Principles, seldom remember any thing to the Disadvantage of their Friends and Allies.

The abovenamed Ensign *H* ———, was, some time before the Hearing, in Company with a considerable Merchant of the City of *London*, at which time he Drank the *Perender's* Health ; the Merchant being an honest and Loyal Gentleman so far resented it, as to tell him he was a base man, or Words to that purpose, and that he had put it in his Power to dispossess him of his Commission when ever he thought fit, this could I have easily proved had our hearing been in any Court, whose Authority could have obliged any Person to have appeared as a Witness upon Oath, where I could have made the Truth to have appeared much plainer, then the Ensign's Volunteers did against me, whose Evidence I could easily have made Invalid upon the Oaths of two or three credible Persons that were all the while in Company during that time, they pretend I was Guilty of what the Ensign is accused of, as I can make appear.

The Gentleman accused brought several Gentlemen to give them a Character, but not one Person

Person offer'd to disprove what I alledged against them : Some that appeared in their Behalf, were known to be notoriously disaffected ; particularly, One Gentleman, commonly known by the Denomination of Captain D——, who, out of Zeal to serve his Friends voluntarily, gave in upon Oath, That he heard me say, some time before, That, *If I was not provided for, I would go into France*: As he was departing the Court, he gave me a gracious Nod with his reverend Head, and swore, *By God he had done my Business*. I think, his Appearing before that honourable Board, is what must turn to my Advantage ; being, as I hinted before, known by all Gentlemen, that have the least acquaintance with him, to be an avow'd *Jacobite*.

There is One Thing very Particular, which I cannot omit, *viz.* That Lieutenant P——s, whom I had accused for Drinking the Pretender's Health, &c. to extenuate his own Guilt, endeavoured to fix the Odium of a common Informer upon me, by accusing me before that honourable Board of having given in an Information against One Colonel *Ramsay*, for some Misdemeanour, which the said Lieutenant pretended the Colonel was accused of in the late Queen's Time, which Accusation is as false as base ; for I solemnly protest, that I never saw the Colonel in *England*, nor in any Place else, except it was in *Spain*, and I do not remember I saw him there. Thus much I am sure, that I never was in the Colonel's Company in the whole Course of my Life ; and should I meet him in any  
C Place,

Place, I shou'd not know him ; for the Truth of which, I appeal to the Colonel himself: During the Time of this Hearing, there came into the Court, the Honourable Brigadier *Stanwix*, who commanded the Regiment that the said P——s serv'd in. 'Twas thought proper, by that Honourable Board, to enquire into his Character; the Brigadier, being an honest loyal Gentleman, turn'd short immediately, and withdrew out of Court, giving them no other answer, but that of Silence and Absence; which left the Lieutenant nothing more to support his Loyalty, than a bare Certificate from his Lieutenant-Colonel: This, I hope, to any rational Man, will be a sufficient Proof of his Principles.

I presume tis not expected a great deal should be said, relating to his Friend, Colonel K——, whom I had accused of the same Fact in Time and Place, he having been reputed a *Papist*, whatever he pretends to be now, and a Deserter from the Service of King *Philip*.

I cannot omit mentioning Major O——, behaviour in my Absence, the Information of which I had from several worthy Gentlemen: In one Company he was pleas'd to say, that, *As soon as he saw me he wou'd make me Eat my Words, deny my Christ, Pistol me, and send me Quick to Hell*; so much for the Christianity of this Hero; but I was much surprized one day presently after my Arrival to find such a sudden Change in the Man, for as I was walking with some of my Friends near the War Office, I was saying to them with  
a loud



a loud Voice, there were some Gentlemen who had given themselves particular Aires in my Absence, and looking O——y sternly in the Face, said, I valued never a Jacobite R—— in the Kingdom; and I further said I was come to Town in order to do Justice to my King and Country, upon which this Lamb-like Christian in a very friendly Manner Accosted me, and asked me what News from the Country? My Answer was that his Majesty had some Enemies there, as well as here. As to his principles I shall leave them to the Judgment of those Gentlemen who are best acquainted with the profoundness of his Understanding, whose depth is almost past finding out, except by a Superior Genius which is hardly to be found in any Person of his Rank throughout the Army; this worthy Gentleman having the misfortune not to have his Volunteers ready, produced to the Honourable Board a couple of Affidavits in Form.

It has been thought by some People that I had not done Justice to Colonel St. J—— The Col. indeed brought some Gentlemen of Worth to appear for him at the Board, who endeavour'd as far as in them lay, to set forth the Colonel's sincerity to the Protestant Succession in the most Illustrious House of *Hannover*, and his unshaken Loyalty to our most Gracious Sovereign King *George*; what I accused the Colonel of is as follows; for Drinking prosperity to the Tories, and to the burying of Whiggism, and that they might not Rise till the day of Resurrecti-

on ; and further, for Drinking the Healths of the late Duke of *Ormond* and the Lord *Bolingbroke*, after the Abdication of the Letter and that he had no Business here in Town amongst the Blood-seekers, and that he kept no Company but honest Tories ; How far a Man can be hearty for the Succession, who has so fully Declared himself, I leave to his Friends to reconcile, for I must confess it beyond my Capacity.

The second day after I came to Town, Lieutenant G——, whom I had Accused came to my Lodgings and said, that he was told that I had given in an Information against him, for Drinking the Pretender's Health held at a Club held at the S—— Tavern in the Strand, distinguished under the Denomination of the Lord —— or the Papist Club, I told him I had not given any such Information against him ; and that both the Lord and the Club were unknown to me, the poor Man being Conscious to himself, well knowing his own Practice, pressed me again, that I would tell him upon my Honour whether I had given any such Information, I told him as before I had not, he then reply'd, it being a pretty while since he was in my Company, he could not recollect where it was, which was the occasion of his making such a strict Enquiry, I then replied the last time I was in his Company was in the little Room behind the Kitchen at the blew Posts in Dukes Court, at which place he might very well remember, there arose a Dispute concerning the late Ministry, whom he, and Captain B——, (who was

was then in Company) very much vindicated with some undecent Reflections upon the present Ministry, and concluded with damning the Whiggs, and Drinking a Health to the late Duke of *Ormond*, &c. and that was the Substance of what I had to say against him, which he readily concurr'd with, both as to Place and Fact, and went a way with a much cheerfuller Countenance than he brought.

When he appeared at the Honourable Board in vindication of himself, he produced an Affidavit, which, as he pretended, was taken from the Servant Maid of the blew Posts aforesaid, Importing that we never were in the fore-mentioned little Room together; this Method of vindicating himself was what surprized me; to think that a Gentleman shou'd be guilty of such little mean Artifices, as that of drawing a poor innocent ignorant Wench to make an Affidavit of what was Morally Impossible she cou'd be positive of, notwithstanding, as afore mentioned, he himself had own'd both Place and Fact.

The last Man that appeared at the Honourable Board was Captain S——e, whom I had accused for Drinking the Healths of *Ormond*, and *Bolingbroke*, with several indecent Reflections upon their Royal Highnesses. The Honourable Board I called upon him to know whether he had any Body to give him a Character, the poor Captain having not his Voluntiers ready, answered in the Negative. They then asked him if there were not any other People in Company besides,



besides ? His answer was, *Three*, One of which was in the Country the other two in Town, they then bid him get their Affidavits and bring them to them ; how far the Captain has been Obedient to their Commands, is best known to the Honourable Board ; the Board then broke up, I never heard any thing more of it.

I have had Reflections made on me, by some Persons of very good Account, concerning Things, not from their own Knowledge, but what they have taken up on Hearsay and Trust, from the *Jacobites* and their Allies, who have been very industrious in persuading the World, that a great Part of my Accusation was for Crimes committed in the late Queen's Time, thereby to make me appear a Person of a malicious Nature, who could let any Things lie buried so long, with a Design, when Opportunity offer'd, to raise them again to serve a Turn : I hope the World will have a better Opinion of me, than to believe I am grown such an Arts-master in the Trade of an *Informer* ; for, believe me, I am both young and unskill'd in the Employ ; and had I been as fond as they maliciously would insinuate, I should not have confin'd my self to my own Cloath only, having had as great Opportunities of being conversant with Gentlemen under the Civil Power. And, I believe, I had not been so busy with my Brethren, had not, as I hinted before, His Majesty let His People know of the threatned Invasion, and perceiving those very Gentlemen, whom I have

have since accused, to be very active in endeavouring after Commands, I thought it much honestest to take the Advice of my {fore-mentioned Friends, and by that Means to come under that hateful Denomination of an *Informer*, than suffer my King and Country to be impos'd upon, by intrusting Commands in such Hands, as I knew to be avow'd Enemies to the present Ministry, and Government; for, as I have hinted all along, I now solemnly protest, in the Presence of GOD, and as I expect One Day to appear before his great Tribunal, I had no other Design in what I did, than to serve and preserve, as far as lay in my Power, His most Excellent Majesty and Government, in whose Cause I wou'd as freely venture my Life and Fortune, as any Subject He has.

All the Room I gave for the fore mentioned Reflections on me, was, on the Account of an Accusation given by me against Ensign B —, now of His Majesty's Body-Guards, for drinking the late Duke of *Ormond's* Health, &c. which was since the Lord *Bolingbroke* went off, which is the Substance of my Accusation in my Affidavit, which I refer to: When he appear'd before the Honourable Board, to give them a clearer View of his Principles, I inform'd them of an Accident that happen'd once, when I was in Company with him in the late Queen's Time, His Present Majesty's Health, then as Elector of *Hanover*, was drunk in Company; it coming to his Turn, he refused it, instead of which, he began the Health of the *Royal Wanderer*; upon which,

which, I used him as he deserved: But the Cause he had embark'd himself in, being bad, he never thought fit to call me to an Account for it.

The day after the last Hearing I waited on the President of the Honourable Board, to beg the Favour of another Hearing, having something to Offer, upon the Oaths of two or three Persons of Credit in Order to clear me of that Aspersi- on sworn against me by those Jacobites C——, and H——, and produced a Letter under their Hands in which they signified their Readiness to attest upon Oath what was Inserted therein. The true Copy's of which are as follows.

Sept. the 15th, 1715.

S I R,

I Understand by a Letter from you, to Mr. E——ds that Mr. C—— has made an Affidavit that you shou'd Drink the Pretender's Health, by the Title of King James the Third, at his House, when my Father and I were at Dinner there; therefore I was Obliged in Justice to assure you that I do not remember any such Health Drunk that day by you, or any other in that Company, and wou'd have sent you my Affidavit now, if I cou'd have found a Justice of the Peace at home, however I hope this will be of Service to you, and what I will swear to the first Opportunity, but you will excuse me when you consider my Business is not to be dispensed with; I am very sorry for the Trouble you have brought upon your self, and shall be very ready to do you Justice



stices as I hope you will all those Gentlemen; some of which I have the Honour to be acquainted with; so wishing you all Good, I Conclude Your humble Servant.

C——— B———.

Sept. the 15th, 1715.

S I R,

I Have once this day sent you a Letter, to let you know what I cou'd swear, but have since received a Letter from you at Southwark, importuning an Affidavit from my Father and self, which I wou'd have made, but that I cou'd not meet with a Justice as the Bearer can certify, however my Father and I can both take our Oaths that we did not bear any such Healtb Drank, either by you or any other Gentleman, and for the Satisfaction of your General Officers, you may Communicate both my Letters to them, and that we will both Swear to the Truth of what is therein contained.

I am Yours.

C——— B———.

Upon which the President in Answer said they laid no Stress upon their Evidence.

I immediately after fell ill of a Fever which confin'd me to my Bed and Room, near seven Weeks, in which time I had not Opportunity of looking into the Affair. My Enemies at the same time took the Advantage of me, by Villainously spreading a scandalous Report, that having done a base Action I was sneaked out of Town, being asham'd of looking any of my Friends in

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the Face, this with other such Scandalous and groundless Stories have been daily spread in Order to put a good Face on their own Villainous Actions; but I doubt not but time will give the World a clear a View of my Innocence.

The first news I heard relating to this Affair, I found Inserted in the *Post Boy*, by that Infamous and Seditious Bell-weather of their Party, *Abel Roper, viz.* ' That Lieut. *J. Kynaston*, was broke, ' and render'd incapable of serving for the future", which was above a Fortnight before I was Superseded, how that worthy Gentleman Mr. *Abel*, and his Friends got into that Secret, I must confess was what a little surprized me, however I shall by way of Gratitude take the first Opportunity to promote a close Correspondence between him and his Brother *Cain*.

So soon as my Indisposition would permit, I again waited on the President, to let him know I was superseded, and to inform my self, if possible, for what Reason: He readily told me he had been in the Country, and 'twas what was utterly unknown to him. I then asked him what was proper for me to do at that Juncture? He presently advised me to deliver a Petition, setting forth my Hardships, to His Grace the Duke of *Marlborough*; which accordingly I did, and was favoured with an Opportunity of relating them to his Grace, who then told me, That some People had sworn against me. In Answer, I inform'd his Grace of my applying for another Board, and that the President told me there was no Occasion, having laid no Strefs

Stress upon their Evidence, aforementioned : His Grace was then pleased to peruse my Memorial, and out of his wonted Regard to Justice told me, indeed my Case was hard, and that he was then going into his Chair ; upon which I withdrew.

After I drew up my Case, I waited on his Grace the Duke of *Marlborough* at *Windsor-Forest*, and submitted it to his Lordship's Perusal, begging of him to do me the Honour to peruse it, by which he might the better inform himself what Sort of Treatment I had met withal : His Lordship took it, and promised me the Looking it over the first Opportunity : At the same time I had an Opportunity of communicating some Letters to his Grace, who was pleased to peruse them ; which I had no Reason to doubt, but gave a plenary Satisfaction of my Loyalty, and also the Loyalty of my Family : His Grace told me, he'd be in Town in a Day or Two, and order'd me there to attend him, which I did accordingly ; who then told me, he had look'd over my Case, and had sent it to General *Lumley*, the honourable President of the Board, and bid me call again in Two or Three Days ; which I did. His Grace was pleased to tell me, that Mr. *Lumley* had not return'd my Papers ; upon that, I waited on Mr. *Lumley* for my Papers, in order to put them in the Press : and Meeting of him alone, had an Opportunity of talking with him upon the subject Matter.

I asked him if there was any thing inserted in



my Case but plain Matter of Fact, as it appear'd before the honourable Board? He told me, he could not say there was: I then complain'd of the hard Usage I met with at the Board, by their suffering all sorts of People, whom the Accused brought on their Behalf, without enquiring into their Characters, and also of admitting Affidavits as Evidence, when at the same time the Persons were in Town; and permitting other People to accuse me, who was the King's Evidence; which is contrary, as I am informed by the Learned of the Law, to the Practice thereof; *Both Statute and Common*, his Answer was, to the best of my Memory. 'Tis true, they did admit several Persons to speak in the Behalf of the Accused, for they were not sworn themselves: He endeavour'd to dissuade me from making it publick, without the least mentioning any Retaliation for the Hardships I had suffer'd; but I remember One of his principal Motives to put me off from it, was, the great Hazzard I shou'd run of being continually insulted: I told him, as I had inserted nothing but Truth, to the best of my Memory, and that my Cause was just, which was the last Argument wou'd prevail, and that Truth and Honesty was their own Guard.

Having thus made a plain Relation of my Case, there remains only Two Things to be consider'd, which, when clear'd, will, I hope, fully vindicate me in the Judgment of all Persons, but that Party, the Scandal of whose Approbation I shall never be ambitious of;

The

*The First is the TRUTH.*

*The other the Necessity of the Information.*

The First, some Persons may have been induced to doubt of by these Insinuations ; if the Information was true, why was no Censure past on those Gentlemen whom I so manifestly proved to be disaffected to His Majesty's Government ? Why did the Weight of it fall chiefly on the Accuser ? To which I answer, It must be consider'd, I was utterly ignorant of the Court's proceeding, with which a designing Informer would have taken Care to acquaint himself ; and that having a Desire to serve His Majesty, I willingly comply'd with the Directions of those, whom I knew to be his faithful Servants : Hence it was that I appeared before that honourable Board, under all the Disadvantages imaginable, the Practice of that Court being (as I am since informed) contrary to what is used in all others, it having no Power to compel Persons under the civil Authority to appear as Witnesses : Besides, I had neither Council to plead for me, nor Evidence to support me against what was then offered by the several Gentlemen accused, who were many in Number, and who were pleased to take such an unusual Liberty of vilifying me before that Honourable Board, that it cannot but be thought to be very surprizing to a Gentleman who neither deserved, nor was acquainted with, such Treatment ; whereas, in any other Court,

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I could have had a Power to have summon'd those who would have made the Fact evident beyond Contradiction.

I have it now in my Desires, that the Impartial Reader will observe, that not One offered to invalidate my Evidence, but fell directly into Accusations of me, by the Depositions of C—— and H———*ns*; tho' how far they may be depended on, I leave to the Judgment of those who have read the Case; and whether they would have accused me, had not their good Friends been in Danger.

I likewise request, it may also be consider'd that bare Affidavits of Persons in Town were produced and admitted against the Kings Evidence given *Viva Voce*; these are the chief Reasons I can give why no Censure was past upon the Gentlemen; but if it be demanded why the Weight of it fell upon me, there I must confess I am at a loss. Especially since nothing was alledged against me, but by C—— and H———, and the President himself was pleased to tell me *They laid no Stress upon their Evidence*. This will I hope satisfy any unprejudiced Person of the Truth; nor will it be more Difficult to prove the Necessity of this Information.

Is not every true Protestant as he loves his Religion, every faithful Subject as he would secure his Country's Liberty, and his own, oblig'd to the utmost of his Power to defend the present Establishment of the Government in His most Excellent Majesty? Are we not all bound by the Tenor of the Oath, we have taken



en to do our utmost Endeavour to disclose and make known to his Majesty, and his Successors all Treasons and traiterous Conspiracies which we shall know to be against him, or any of them, and to the utmost of our Power to Support, Maintain, or Defend, the Succession of the Crown against the Pretender, and all other Persons whatsoever? And I could not then at a time when his Majesty had Declar'd from his Throne, that his Kingdoms were in Danger, of an Invasion from the Pretender, without attempting to prevent the Mischief, see him foster Serpents in his Bosom, who I had reason to think would sting him; this was the Duty of every Subject by all the forementioned Engagement; but doubly theirs, who eat the King's Bread.

And now I close this Narrative with an Appeal to all Men of Honour and Conscience (for it is from such only, that I have Hopes of Redress under my present Circumstances) whether, if I by the Discharge of my Duty I have gain'd the Name of an Informer, I should not, by the Omission of it, have deservedly been branded with one far more Ignominious, viz. that of a Betrayer of my King and Country. And whether it be not more Praiseworthy for him, that is a Watchman by his Post to endeavour to save a City by giving notice of an intended surprize, than to lull it into a State of Security, and give it into the Enemies Hands by a Traiterous and disloyal Silences.

I have nothing farther to add, than, after Expressing my sorrow for being made a Precedent,

dent, in an Affair which, I am told, neither Divine nor Human Laws justify, by a Board of Gentlemen, (whom I, notwithstanding my severe suffering through the Means of the Report made by them, shall ever have in the greatest Honour and Esteem) than to submit my self to the Consideration of their Superiors; in Hopes of a more merciful and just Sentence, and of being restored to a Post in His Majesty's Army, which, 'tis humbly presum'd I have neither forfeited by misbehaviour, nor want of Zeal for the Honour and Glory of my King, nor the advantage of my Country; in whose Service I shall take Pride in spending the Remainder of my Days, howsoever depressed and misrepresented by the Artifices and malicious Insinuations of the Enemies of both.

F I N I S.

